

EXHIBIT 3

From: Rachuba, L Roman
To: Weinstein, Corey; Morgan M. Daughton; Cortlan S. Hitch (CHitch@morrisjames.com); Emily Greek (Para); Kenneth L. Dorsney (KDorsney@morrisjames.com); Seth, Neal; Weeks, Wesley
Cc: Daniel A. Taylor; Callahan, John T.; Cooper, Luke W.; Dzwonczyk, Michael R.; Neal C. Belgam
Subject: RE: Case 1:24-cv-01025-JLH, Ingenuus Pharmaceuticals, LLC v. Hetero USA, Inc., et al.
Date: Monday, March 24, 2025 9:45:43 PM
Attachments: [image001.png](#)

EXTERNAL
EMAIL

Corey, below summarizes our discussion from last Thursday. We also provide updates to some of the issues we discussed.

Regarding Defendants' document requests Nos. 1-13, during the 4-minute-long meet and confer on these requests, Defendants refused to narrow or otherwise tie their requests to any of their (or Plaintiff's) claims or defenses or any other issue in this case.

In order to reduce the burden on the Court, Plaintiff is willing to produce publically available briefs and court orders in Action No. 1:22-cv-02868 and Civil Action No. 1:23-cv-00377 in response to Defendants' RFP Nos. 8 and 11.

While Plaintiff stands by its objections as set forth in its February 7 responses to RFPs Nos. 1-7, 9-10, and 12-13 in its March 16 letter, and discussed at the meet and confer, Plaintiff would be willing to reconsider its position if Defendants are able to provide any authority to support their position that Plaintiff must produce all testimony, declarations, deposition transcripts; all documents produced; all discovery responses; all expert reports; all contentions and claim charts; and all court transcripts in the related litigations.

As to Plaintiff's discovery requests, Defendants generally stood by their objections.

Specifically, regarding Plaintiff's interrogatories, Defendants refused to supplement and provide a substantive response to Interrogatories Nos. 1-3, 5-8, and 11.

For Interrogatory Nos. 2 and 11, while Defendants committed to supplementing their Rule 33(d) responses to identify documents *they* would rely on, aside from the ANDA, Defendants refused to otherwise substantively answer the interrogatories.

For Interrogatory No. 9, Defendants agreed to supplement their response.

Regarding Plaintiff's RFP Nos. 5-8, 21, 25-27, and 33-35, 37-39 Defendants clarified that they were not presently withholding any documents on any basis except for privilege.

Regarding Plaintiff's RFP Nos. 9-14, 16-18, 20, 22-24, and 28-32, 36, Defendants stood by their objections, and indicated that they had not even *searched* for these documents. However, Defendants did commit to letting Plaintiff know "if there are no sales, marketing, or advertising documents" on Defendant's ANDA product (but not other cyclophosphamide products). Defendants did not agree to produce these documents or search for any other documents encompassed by these requests.

Defendants also agreed to let Plaintiff know if Defendants had performed any testing, including comparative testing of its ANDA product, but again did not agree to produce these documents.

Regarding Plaintiff's RFP No. 41, 10 samples of each lot are required for our analysis. Please confirm that Defendants will produce these samples.

With respect to Plaintiff's RFP No. 40 however, Plaintiff is willing to reconsider its request if Defendants produce the certificates of authenticity for the exact batches from which Defendants will produce its formulated product.

As for availability for a teleconference with the Court, we are generally available April 2-5.

Sincerely,

Roman

From: Weinstein, Corey <CWeinstein@wiley.law>
Sent: Monday, March 24, 2025 11:48 AM
To: Rachuba, L Roman <lrachuba@sughrue.com>; Morgan M. Daughton <mdaughton@skjlaw.com>; Cortlan S. Hitch (CHitch@morrisjames.com) <CHitch@morrisjames.com>; Emily Greek (Para) <EGreek@morrisjames.com>; Kenneth L. Dorsney (KDorsney@morrisjames.com) <KDorsney@morrisjames.com>; Seth, Neal <NSeth@wiley.law>; Weeks, Wesley <WWeeks@wiley.law>
Cc: Daniel A. Taylor <DAT@skjlaw.com>; Callahan, John T. <Jcallahan@sughrue.com>; Cooper, Luke W. <lcooper@sughrue.com>; Dzwonczyk, Michael R. <mdzwonczyk@sughrue.com>; Neal C. Belgam <NCB@skjlaw.com>
Subject: RE: Case 1:24-cv-01025-JLH, Ingenuis Pharmaceuticals, LLC v. Hetero USA, Inc., et al.

Roman, could you please let us know 3 dates that you are available for the discovery conference?



Wiley Rein LLP • 2050 M Street NW • Washington, DC 20036
o: 202.719.7110
[Download V-Card](#) | [wiley.law](#) | [Bio](#)

From: Rachuba, L Roman <lrachuba@sughrue.com>
Sent: Sunday, March 16, 2025 3:35 PM
To: Weinstein, Corey <CWeinstein@wiley.law>; Morgan M. Daughton <mdaughton@skjlaw.com>; Cortlan S. Hitch (CHitch@morrisjames.com) <CHitch@morrisjames.com>; Emily Greek (Para) <EGreek@morrisjames.com>; Kenneth L. Dorsney (KDorsney@morrisjames.com) <KDorsney@morrisjames.com>; Seth, Neal <NSeth@wiley.law>; Weeks, Wesley <WWeeks@wiley.law>

Cc: Daniel A. Taylor <DAT@skjlaw.com>; Callahan, John T. <Jcallahan@sughrue.com>; Cooper, Luke W. <lcooper@sughrue.com>; Dzwonczyk, Michael R. <mdzwonczyk@sughrue.com>; Neal C. Belgam <NCB@skjlaw.com>

Subject: RE: Case 1:24-cv-01025-JLH, Ingenuus Pharmaceuticals, LLC v. Hetero USA, Inc., et al.

External Email

Hi Corey,

We're unavailable on Wednesday due to trial preparations for the related Accord litigation in Delaware, starting the week of the 24th. While these issues are not urgent, as previously mentioned, we can accommodate a meeting on Thursday. If Thursday does not work, we're also available Friday, March 28th, or anytime the week of March 31st.

To ensure an efficient discussion, please come prepared to address Hetero's discovery deficiencies, as outlined in the attached letter. This letter also serves as our response to your March 10 correspondence.

Sincerely,
Roman

From: Weinstein, Corey <CWeinstein@wiley.law>
Sent: Thursday, March 13, 2025 9:53 AM
To: Rachuba, L Roman <lrachuba@sughrue.com>; Morgan M. Daughton <mdaughton@skjlaw.com>; Cortlan S. Hitch (<CHitch@morrisjames.com>) <CHitch@morrisjames.com>; Emily Greek (Para) <EGreek@morrisjames.com>; Kenneth L. Dorsney (<KDorsney@morrisjames.com>) <KDorsney@morrisjames.com>; Seth, Neal <NSeth@wiley.law>; Weeks, Wesley <WWeeks@wiley.law>
Cc: Daniel A. Taylor <DAT@skjlaw.com>; Callahan, John T. <Jcallahan@sughrue.com>; Cooper, Luke W. <lcooper@sughrue.com>; Dzwonczyk, Michael R. <mdzwonczyk@sughrue.com>; Neal C. Belgam <NCB@skjlaw.com>
Subject: RE: Case 1:24-cv-01025-JLH, Ingenuus Pharmaceuticals, LLC v. Hetero USA, Inc., et al.

Roman, would your team be available next Wednesday for a call?



Corey Weinstein
Attorney at Law
cweinstein@wiley.law

Wiley Rein LLP • 2050 M Street NW • Washington, DC 20036
o: 202.719.7110

[Download V-Card](#) | [wiley.law](#) | [Bio](#)

From: Rachuba, L Roman <lrachuba@sughrue.com>
Sent: Wednesday, March 12, 2025 9:23 PM

To: Weinstein, Corey <CWeinstein@wiley.law>; Morgan M. Daughton <mdaughton@skjlaw.com>; Cortlan S. Hitch (<CHitch@morrisjames.com> <CHitch@morrisjames.com>); Emily Greek (Para) <EGreek@morrisjames.com>; Kenneth L. Dorsney (<KDorsney@morrisjames.com> <KDorsney@morrisjames.com>); Seth, Neal <NSeth@wiley.law>; Weeks, Wesley <WWeeks@wiley.law>

Cc: Daniel A. Taylor <DAT@skjlaw.com>; Callahan, John T. <Jcallahan@sughrue.com>; Cooper, Luke W. <lcooper@sughrue.com>; Dzwonczyk, Michael R. <mdzwonczyk@sughrue.com>; Neal C. Belgam <NCB@skjlaw.com>

Subject: RE: Case 1:24-cv-01025-JLH, Ingenuis Pharmaceuticals, LLC v. Hetero USA, Inc., et al.

External Email

Hi Corey,

We are still reviewing the letter you sent us Monday afternoon, and will respond as appropriate. We are not available to confer this week, but are available next Thursday or Friday.

Thanks,
Roman

From: Weinstein, Corey <CWeinstein@wiley.law>
Sent: Wednesday, March 12, 2025 12:00 PM
To: Morgan M. Daughton <mdaughton@skjlaw.com>; Cortlan S. Hitch (<CHitch@morrisjames.com> <CHitch@morrisjames.com>); Emily Greek (Para) <EGreek@morrisjames.com>; Kenneth L. Dorsney (<KDorsney@morrisjames.com> <KDorsney@morrisjames.com>); Seth, Neal <NSeth@wiley.law>; Weeks, Wesley <WWeeks@wiley.law>
Cc: Daniel A. Taylor <DAT@skjlaw.com>; Callahan, John T. <Jcallahan@sughrue.com>; Rachuba, L Roman <lrachuba@sughrue.com>; Cooper, Luke W. <lcooper@sughrue.com>; Dzwonczyk, Michael R. <mdzwonczyk@sughrue.com>; Neal C. Belgam <NCB@skjlaw.com>
Subject: RE: Case 1:24-cv-01025-JLH, Ingenuis Pharmaceuticals, LLC v. Hetero USA, Inc., et al.

Counsel, please provide today your availability for a call this week.



Corey Weinstein
Attorney at Law
cweinstein@wiley.law

Wiley Rein LLP • 2050 M Street NW • Washington, DC 20036
o: 202.719.7110
[Download V-Card](#) | [wiley.law](#) | [Bio](#)

From: Weinstein, Corey
Sent: Monday, March 10, 2025 2:47 PM
To: 'Morgan M. Daughton' <mdaughton@skjlaw.com>; Cortlan S. Hitch (<CHitch@morrisjames.com> <CHitch@morrisjames.com>); Emily Greek (Para) <EGreek@morrisjames.com>; Kenneth L. Dorsney

(KDorsney@morrisjames.com) <KDorsney@morrisjames.com>; Seth, Neal <NSeth@wiley.law>; Weeks, Wesley <WWeeks@wiley.law>
Cc: Daniel A. Taylor <DAT@skjlaw.com>; John Callahan <jcallahan@sughrue.com>; Lawrence Roman Rachuba II <lrachuba@sughrue.com>; Luke Cooper <lcooper@sughrue.com>; Michael R. Dzwonczyk <mdzwonczyk@sughrue.com>; Neal C. Belgam <NCB@skjlaw.com>
Subject: RE: Case 1:24-cv-01025-JLH, Ingenuus Pharmaceuticals, LLC v. Hetero USA, Inc., et al.

Please see the attached correspondence. We look forward to speaking with you this week.



Corey Weinstein
Attorney at Law
cweinstein@wiley.law

Wiley Rein LLP • 2050 M Street NW • Washington, DC 20036

o: 202.719.7110

[Download V-Card](#) | [wiley.law](#) | [Bio](#)

From: Morgan M. Daughton <mdaughton@skjlaw.com>

Sent: Friday, February 7, 2025 4:21 PM

To: Weinstein, Corey <cweinstein@wiley.law>; Cortlan S. Hitch <CHitch@morrisjames.com><CHitch@morrisjames.com>; Emily Greek (Para) <EGreek@morrisjames.com>; Kenneth L. Dorsney <KDorsney@morrisjames.com><KDorsney@morrisjames.com>; Seth, Neal <nseth@wiley.law>; Weeks, Wesley <wweeks@wiley.law>

Cc: Daniel A. Taylor <DAT@skjlaw.com>; John Callahan <jcallahan@sughrue.com>; Lawrence Roman Rachuba II <lrachuba@sughrue.com>; Luke Cooper <lcooper@sughrue.com>; Michael R. Dzwonczyk <mdzwonczyk@sughrue.com>; Neal C. Belgam <NCB@skjlaw.com>

Subject: Case 1:24-cv-01025-JLH, Ingenuus Pharmaceuticals, LLC v. Hetero USA, Inc., et al, | Notice of Service

External Email

Good Afternoon, All,

On behalf of Daniel Taylor and Neal Belgam, attached—please find a courtesy copy of the following Notice of Service:

DI 29 Docket Text:

NOTICE OF SERVICE of Plaintiff Ingenuus Pharmaceuticals, LLC's responses to Defendants' First Set of Requests for Production (Nos. 1-13) filed by Ingenuus Pharmaceuticals, LLC. (Taylor, Daniel)

Thanks!

Have a nice weekend,

Morgan M. Daughton

**SMITH KATZENSTEIN
JENKINS LLP**

Morgan M. Daughton | Paralegal to Neal C. Belgam, Esq. & Daniel A. Taylor, Esq.

Smith, Katzenstein & Jenkins LLP | The Brandywine Building

1000 West Street, Suite 1501 | Wilmington, DE 19801

302.504.1651 Direct | 302.652.8400 Main | 302.824.9743 Cell

mdaughton@skjlaw.com | www.skjlaw.com

This email and any attachments thereto may contain private, confidential, and privileged material for the sole use of the intended recipient. Any review, copying, or distribution of this email (or any attachments thereto) by others is strictly prohibited. If you are not the intended recipient, please contact the sender immediately and permanently delete the original and any copies of this email and any attachments thereto.

CONFIDENTIALITY: This email and any attachments are confidential, except where the email states it can be disclosed, and it may also be privileged. If received in error, please do not disclose the contents to anyone, but notify the sender and delete this email and any attachments.



L Roman Rachuba

Partner

Sughrue Mion, PLLC

2000 Pennsylvania Ave NW Ste 9000

Washington, DC 20006

Office: 202-663-7945 | Fax: 202-293-7860

lrachuba@sughrue.com – www.sughrue.com

Warning: In rare cases, our e-mail filtering software may eliminate legitimate email from clients unnoticed. Therefore, if your mail contains important instructions, please make sure that we acknowledge receipt of those instructions.

This message is intended only for the designated recipient(s). It may contain confidential or proprietary information and may be subject to the attorney-client privilege or other confidentiality protections. If you are not a designated recipient, you may not review, copy or distribute this message. If you receive this in error, please notify the sender by reply e-mail to coordinate retrieval or deletion of this message. Thank you.